

REMARKS

Claims 1-77 and 83-85 are pending in this application. Claims 83 and 85 were previously withdrawn.

The Examiner rejected claims 1-77 and 84 under 35 U.S.C. 103(a) as being obvious in view of Radjy et al. (US 2002/0010525 A1). Claim 1 recites:

A method for facilitating transactions between a product brand manager and manufacturing organizations using a transactional computer system, the method comprising:

- receiving at the transactional computer system product brand information from the product brand manager, the product brand information including information for manufacturing a product brand;
- receiving at the transactional computer system from each of the manufacturing organizations information about the manufacturing process capabilities of the manufacturing organization;
- determining from the received product brand information and the received information about the manufacturing process capabilities of the manufacturing organizations a set of candidate manufacturing organizations for the product brand, the determination made without providing the product brand information to the manufacturing organizations or the manufacturing process capabilities to the product brand manager; and
- providing information about the set of candidate manufacturing organizations to the product brand manager.

The claimed invention allows product brand managers to obtain information about which manufacturers possess the capability to manufacture a product brand, while at the same time preserving the product brand information in confidence by not communicating it to the manufacturers, and preserving the manufacturing capabilities of the manufacturers in confidence by not disclosing to the product manager capabilities of those manufacturers not determined to be a match.

As the Examiner admits, Radjy does not disclose the elements of claim 1. Radjy discloses a “concrete exchange” for providing feedback about concrete batch information to suppliers and purchasers. In the first of two ways described by Radjy for associating an AEC with a manufacturer, an AEC can “utilize the concrete exchange system to locate the necessary suppliers for his concrete on his own” (Radjy, [0130]). In an alternative arrangement, “the AEC may post a request for information . . . Then, a sales or technical services representative 516 from the target (prospective concrete manufacturer) company will preferably contact the AEC to discuss the project” ([0131]).

In each of the scenarios described by Radjy, either the AEC, the concrete manufacturers, or both are required to make known their needs and abilities to the other party in order to determine whether a match is possible. That is, there is no teaching in Radjy of “determining a set of candidate manufacturing organizations for the product brand . . . without providing the product brand information to the manufacturing organizations,” as claimed.

The Examiner asserts that the difference between what Radjy discloses and what is claimed is merely an automation step that “gives you just what you would expect from the manual step disclosed by Radjy (Para 0130)” (Final Office Action, p. 3). This is not the case. In the “manual step” of Radjy, the AEC sorts through the concrete exchange system to locate suppliers of interest. Necessarily, the AEC is reviewing details of the manufacturers’ production abilities in order to select which are of interest. Alternatively, the AEC can post a request for information (RFI) that is converted into a concrete exchange-based format and provided to the manufacturers. In both cases, information from one party is being shared with one or more other parties, either about production needs or production capabilities.

The claimed invention enables the matching of brand managers with manufacturing organizations without the broad disclosure of information required by Radjy. The set of candidate manufacturing organizations is determined without providing the product brand information to the manufacturing organizations or the manufacturing process capabilities to the product brand managers.

As described in Applicants’ written description, “communication of the product brand information often poses a risk of that information being compromised or misappropriated. If the product brand manager wishes to contact a number of manufacturing organizations to inquire about the possibility of enlisting them [to] undertake the manufacture, this typically will result in this sensitive information being placed in the hands of an actual or potential competitor” (Specification [0014]).

Thus, contrary to the Examiner’s assertion that “the end result is the same as compared to the manual method,” the use of the claimed method preserves sensitive information of the parties in greater confidence, directly addressing the problem identified above, and patentably distinct from what is taught by Radjy.

Dependent claims 2-77 are also patentable over Radjy, both because each recites its own patentable features, and because each depends from patentable claim 1.

Independent claim 84 is similarly patentable over Radjy. As discussed above with respect to claim 1, Radjy does not disclose a “transactional computer system adapted to . . . make the selection of the at least one candidate manufacturing organization without providing the product brand information to the manufacturing organizations or the

manufacturing organization information to the product brand manager” as claimed. Accordingly, claim 84 is patentable over Radjy and the rejection should be withdrawn.

In view of these Remarks, the Examiner is asked to withdraw the previously-issued rejection and to issue a Notice of Allowance. Please do not hesitate to contact the undersigned attorney by telephone, mail or e-mail should additional issues remain outstanding.

Respectfully submitted,
MICHAEL SAUCIER, *ET AL.*

Dated: July 27, 2007

By: /Daniel R. Brownstone 46,581/
Daniel R. Brownstone, Reg. No.: 46,581
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (415) 875-2358
Fax.: (650) 938-5200
dbrownstone@fenwick.com